

Schoolmasters' Assoc. of N.Y.

Unpatriotic Teaching in
Public Schools.

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UNPATRIOTIC TEACHING IN PUBLIC SCHOOLS

**THE FACTS CONCERNING
THE TRANSFER AND DISMISSAL
OF CERTAIN TEACHERS
OF THE DeWITT CLINTON HIGH SCHOOL
NEW YORK CITY**

**A Report Prepared by a Committee
of
The Schoolmasters' Association
of
New York and Vicinity**

Pamphlet Series, No. 24

✓ **PUBLISHED BY
AMERICAN DEFENSE SOCIETY, Inc.
44 EAST 23d STREET
NEW YORK CITY
1918**

The Primary Object of The American Defense Society Is To Help Win the War



THE Society seeks to aid the campaign against sedition, disloyalty and treason conducted in this country by Socialists, Pacifists, Anti-Militarists, Pro-Germans, Anarchists, I. W. W.'s and similar organizations. In addition the Society is endeavoring to arouse the country to a knowledge of the scale upon which the war must be conducted if a satisfactory result is to be attained. It regards the war as a contest between justice, peace and civilization on the one side and autocracy and militarism on the other. There must be full recognition of actualities by our people that they may cheerfully accept the privations and sacrifices essential to success. Also the representatives of the people must recognize that efficiency and the co-ordination as well of effort as of economic resources and the entire national ability must be brought to bear that the full national strength may be exerted. Germany held as a unit by her rigorous despotism threatens the liberties of the world. Against her no half way measures can prevail.

Unpatriotic Teaching in Public Schools

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Dismissal of Some Teachers of the
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Introduction

A RECENT investigation of conditions in De Witt Clinton High School, conducted by Dr. John L. Tildsley, Associate City Superintendent in charge of high schools, resulted in the transfer of six teachers to other schools and in the dismissal of Samuel D. Schmalhausen, Thomas Mufson, and A. Henry Schneer from the service of the Department of Education of the City of New York.

Inasmuch as many statements have been made in public speeches and in the press, both before and after the trial, that tend to cloud the issue and to create conflicting impressions in the public mind, The Schoolmasters' Association of New York and Vicinity appointed a committee to collect the data necessary to a clear understanding of the matter and to make known to the public the results of its labors.

The aim of the committee has been to obtain **facts**. The stenographic report of the testimony has been carefully studied; the exhibits cited therein have been examined; school officials and teachers have been interviewed; letters, pamphlets, reports of speeches, newspaper clippings and whatever other sources of information were available to the committee, have been utilized.

The report of the committee is herewith presented with the assurance that no statement is made therein the truth of which has not been established.

**The Schoolmasters' Association
of New York and Vicinity**

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THE REPORT*

PRELIMINARY STATEMENT

The committee finds that there exists in the teaching staff of the New York City schools a group of teachers who continually oppose any act or policy in educational affairs and, likewise, in municipal, state and national affairs which is not in accord with their individualistic notions with reference to that act or policy. The leaders of this group control the Teachers' Union of New York City, of which organization Henry R. Linville of Jamaica High School is the president. They are also active supporters of the Hillquit-Berger branch of the Socialist Party.

The first statement will be questioned by no one who knows; the second is proved by the fact that the November number of the American Teacher, the official organ of the Teachers' Union, advocated the election of Morris Hillquit for mayor and by the additional fact that a number of teachers from this group, among them Gabriel R. Mason, the president of the American Teacher Company, give courses of instruction in the Rand School of Socialism, 7 East 15th St., New York City. The bearing which all this has upon the case of the De Witt Clinton teachers who were transferred and dismissed will become evident as this report proceeds.

*The abbreviation "Test," followed by a numeral, refers by page to the stenographic report of the testimony, published by the defense; the abbreviation "Sum," followed by a numeral, refers by page to a pamphlet entitled "Summary of Evidence," also published by the defense. All other references are self-explanatory.

I. THE CAUSE OF INVESTIGATION

(1) THE UNPATRIOTIC ATTITUDE OF A CERTAIN GROUP OF TEACHERS TOWARD THE WAR

There is a group of teachers in the De Witt Clinton High School which is included in the group described above, and which, in turn, includes most of the members of the Teachers' Council of that school. The attitude of this group toward the war is regarded as unpatriotic, by fellow-teachers, by pupils and by the parents of pupils. The nature of this attitude is shown, in part, by the following:

A meeting of DeWitt Clinton teachers was held at the Peg Woffington Coffee House, April 21, 1917, under the auspices of this Teachers' Council, at which "many teachers expressed their opinions of the requirement that all teachers sign the loyalty pledge." (See Teachers' Council Bulletin, May 8, 1917.) There were forty-one members of the faculty present, but not all were in sympathy with the views of the group. One of the group said, "Most of the evening was spent in discussing the loyalty pledge of the Board of Education." Another is quoted as saying at the meeting, "Any teacher who signs the loyalty pledge is indecent, immoral, imbecile and idiotic." Still another said, "We decided that the pledge could be signed **as it did not bar internationalism.**" Another report is that the members expressed the opinion, "**It is best to sign the pledge; otherwise we may lose our positions and thus lose our chance to further the cause.**" The nature of the "cause" was not stated. In this connection it should be noted that the protest to the Board of Education against signing the pledge of loyalty was dated April 23, two days after the date of this meeting, and that the three teachers who were dismissed and the six who were transferred were among those who signed the protest. It should also be noted that the name of Henry R. Linville, president of the Teachers'

Union, headed the list of signers and that he was present at this meeting, although not a member of the DeWitt Clinton faculty.

An article appeared in the "New Republic," May 26, 1917, entitled "The Religion of Free Men," which takes the ground that "military participation in war is tantamount to committing murder," and asks whether "the dreamers of a true federation of mankind are to be sacrificed because they have not yet been permitted to realize their dream." This article was signed by thirteen men who call themselves "Conscientious Objectors and Their Champions." Among this number are the three teachers who were dismissed, two of the six who were transferred, four others from the DeWitt Clinton group, two others who had left DeWitt Clinton only a short time before, and Henry R. Linville, president of the Teachers' Union.

A reply to this article by Professor Lovejoy of Baltimore in the "New Republic," June 16, 1917, sums up the attitude of these thirteen men as follows:

"Their tone, throughout, is one of assured and condescending moral superiority; and the assumption of such superiority is expressly made one of the premises of the argument which is to persuade the rest of us to favor their exemption (from military service). 'You,' it is urged, 'are at all costs to be kept safe like queen bees in the hive, because you constitute an elect class of "humanists," of "visionaries" who alone are capable of the "reconstructive task" of "recreating out of bloody chaos some new, re-inspired internationalism!" For this high duty of the future, it seems, those who serve in the war will be disqualified because "brutalized" and "degraded," through that service."

These two articles should be read by every person who believes that the teachers in our schools should be one hundred per cent. loyal. The magazine may be found in the Reading Room of the 42nd Street Public Library, third floor.

Other remarks and acts further reveal the attitude of this group. When the authorities suppressed the "Masses," one of their number exclaimed, "Now we have Czar Wilson." Another, speaking of the "Wake Up America" parade, said, "I should prefer to see an I. W. W. parade." Another said, when asked what he would do if the Germans were to invade America, "I think I should take to the woods. I prefer to be a live coward rather than to be a dead hero." Another posted

an anti-conscription circular in the men's room of the school on the morning of the day that the president signed the Conscription Act. Another, when the blanks asking for volunteers for the State Census were distributed, deliberately tore to pieces the one offered him and threw it violently on the floor.

The patience and forbearance of the school officials reached the breaking point, however, when one of the group, Samuel D. Schmalhausen, assigned as the subject of a letter to the President a topic which led a number of his pupils to make unpatriotic criticisms (Test. 20-22), and led one, Hyman Herman, to write a most disrespectful and unpatriotic letter (Test. 40) in which the President is accused of "grand wholesale murder." When this letter was shown to the principal, Dr. Paul, he said, "This thing has gone too far. It will be necessary for me to report this." (Test. 47, Paul.) He did so and, as a result, a general investigation of the unpatriotic attitude of teachers, not only in DeWitt Clinton, but also in other schools followed.

(2) THE CHARGE REFUTED "THAT THE WHALEN RESOLUTIONS WERE THE CAUSE"

The assertion was made at the trial (Test. 13, Smyth) by the counsel for the defense that resolutions, adopted at a meeting held under the auspices of the Teachers' Council and criticizing Mr. Whalen's action in the utterances which he made at a hearing granted to teachers and pupils on the subject of the longer school day, were "the genesis of the charges." This assertion was also repeatedly made both before and after the trial by various members of the group.

The real "genesis of the charges" has already been stated; but there is a further answer to this assertion of the defense.

The "Whalen Resolutions" were adopted after the close of school, October 24, 1917, and were published in the evening papers, October 26th. Dr. Tildsley first learned of their existence from Dr. Straubenmuller Saturday morning, October 27th. Prior to this time, the following steps had been taken in the investigation: The English assignment made by Schmalhausen, October 19th, was handed to the principal that same day. (Test. 49, Paul.) At Dr. Paul's request, the chairman of the English department visited the class Monday, October 22nd, when the topic was discussed (Test. 31, Garri-

gues). She collected the compositions and handed them to Dr. Paul the same day. (Test. 22, Garrigues) In the afternoon Dr. Paul attended the hearing at which Mr. Whalen is alleged to have made the statements criticized in the resolutions. **Before the hearing**, Dr. Paul handed the assignment and Hyman Herman's composition to Dr. Tildsley and said, "This is a matter that I think requires your attention." Dr. Tildsley put the papers in his desk and told Dr. Paul that he would come over and look into the matter as soon as he possibly could. (Test. 61, Tildsley) Thus the investigation was **officially** begun five days before Dr. Tildsley knew of the existence of the resolutions, two days before they were adopted and an appreciable length of time before the words which led to their adoption had even been uttered.

Owing to press of business, resulting from a strike of the high school boys, (Test. 61, Tildsley), Dr. Tildsley was prevented from beginning the **actual** work of investigation until October 31st. (ibid). In the meantime he had heard of the "Whalen Resolutions"; and so, "on his own initiative, because it lay within the sphere of his duty," he investigated the matter of the resolutions along with the other matter. (Test. 74, Tildsley.)

From the facts at hand, the members of the committee are convinced that the "Whalen Resolutions" were in no sense the cause of the other investigation. The fact that, in general, the same teachers were involved in both investigations, does not so much prove their contention as it supports the theory that this group of teachers is a disturbing element in school as well as governmental affairs; their attitude toward national affairs has already been stated; their attitude toward school affairs will receive attention further on in this report.

(3) THE CLAIM REFUTED THAT THESE TEACHERS WERE CHARGED WITH DISLOYALTY

The defense claims that disloyalty was implied in the charge against the three teachers dismissed and in the action taken against the six teachers transferred. The committee was unable to find any proof that any of these teachers had even been suspected, much less accused, of disloyalty by any school official or any teacher. In fact all the evidence tends to prove the negative of this claim.

President Willcox, in addressing the Board, December 19th, said, "The main question before us is whether these teachers may be trusted to exert a positive influence in the classroom and in the schools to instill in their pupils loyal and patriotic support of the American government in the prosecution of the war, or whether they are lacking in this vital qualification for teaching in our public schools during this crisis." (N. Y. Tribune, Dec. 20.) "The issue before us is not disloyalty but qualifications for teaching." (N. Y. World, Dec. 20.)

Dr. Tildsley, in an address in the Church of the Ascension, December 9th, said, "The teachers who were tried and those who were transferred were not accused of disloyalty." In the discussion which followed he said, "I believe they are all internationalists and I doubt whether a teacher who has the spirit of internationalism has the spirit necessary to teach high school students." (N. Y. Times, Dec. 20.)

From the above, the implication seems to be, not that these teachers are pro-German and therefore disloyal, but that they are not in sympathy with this war from any standpoint and, therefore, are **unpatriotic** in their attitude toward it.

(4) THE CLAIM REFUTED THAT THEY WERE DISCIPLINED BECAUSE THEY WERE RUSSIAN JEWS

One of the dismissed teachers, Thomas Mufson, in a speech at the Star Casino, January 20th, said, "The teachers were suspended because they were Russian Jews." (See daily papers, January 21st.)

At a meeting held in DeWitt Clinton High School, December 15th, a letter from Dr. Charles A. Beard, formerly of Columbia University, was read by the chairman in which Dr. Beard makes this charge.

The committee was unable to find any evidence of any statement, real or implied, which even intimated such prejudice on the part of Dr. Straubenmuller who directed the charges to be preferred, of any member of the committee on high schools which presented a unanimous report in favor of their dismissal, or of any one of the 25, 26 and 30 members of the Board of Education who voted respectively for the dismissal of Schmalhausen, Mufson and Schneer from the service of the Department of Education.

The testimony at the trial shows that Dr. Tildsley, while principal of DeWitt Clinton, had never entertained any such prejudice against any of them. (For Schmalhausen, see Test. 102; for Mufson, Ibid. 165; for Schneer, Ibid, 234). This testimony was brought out by the lawyer for the defense.

In a circular published by the defense, there is one article in which Isidore Montefiore Levy, member of the Board of Education for six years, severely criticizes the methods employed by Dr. Tildsley in the investigation. Yet, in the same article, he says, "It is unfortunate that there is a feeling about that Dr. Tildsley has prejudices of a religious character. This came to my attention at the time that Dr. Tildsley was nominated for Associate City Superintendent. On making inquiries, I was glad to learn that this was an injustice to Dr. Tildsley."

In the light of the above evidence, the members of the committee believe that the charge made by Dr. Beard and Mr. Mufson has absolutely no foundation in fact.

(5) THE CHARGE REFUTED THAT SUPPRESSION OF DEMOCRACY WAS THE MOTIVE

In a pamphlet issued by the defense the statement is made that "the object of the inquisition at DeWitt Clinton High School, was to trap the so-called leaders of the widely growing agitation for more democracy in the school system." Again, "Some drastic action, some show of authority was necessary wherewith to intimidate the liberal-minded teachers."

After going through the testimony and the exhibits in the case of the three defendants, the members of the committee are convinced that the kind of democracy and the kind of liberal-mindedness advocated and exemplified by these men should not be tolerated in any school system. When the testimony and exhibits are reached further along in this report, the reader will realize how valid this conclusion is.

HENRY R. LINVILLE

At the meeting held in DeWitt Clinton, December 15th, Henry R. Linville said that the charges against the three teachers was the culmination of a "long history of official oppression in the name of discipline; it is the most cruel of all similar acts, as well as the most dangerous."

As Mr. Linville is the acknowledged leader of the group that is rallying to the support of these teachers, his attitude toward matters of public concern should be known to the public. The committee will now endeavor to make known to the reader this attitude as revealed by his public acts and utterances. As the committee obtained much of its information from the columns of the "American Teacher," the reader will please remember that this magazine is the official organ of the Teachers' Union of which Mr. Linville is president; that it is the official organ of the American Federation of Teachers of which Mr. Linville is one of the trustees; that he was one of its founders; that he is, and has been from the first, one of its owners; and that from the first he has been a member of the editorial staff. Consequently, the committee is justified in assuming that the policy of the magazine and any anonymous or unsigned utterances given place therein meet with his approval.

The committee finds that Mr. Linville's first public attack upon what he designates as "official oppression" was made about twelve years ago, when he filed a list of charges against his principal, Dr. John T. Buchanan, a man who was idolized by every boy in DeWitt Clinton High School who really knew him. The authorities, after giving Mr. Linville full opportunity to prove his charges, did not sustain a single charge. Soon after, he was transferred to the Jamaica High School; but this transfer was not a case of "official oppression," for, under the by-laws at that time, such transfer was impossible without his consent.

"THE AMERICAN TEACHER" MAGAZINE

Failing in this attack, he, with the help of others, founded the magazine now known as "The American Teacher." The key-note of its policy, as stated on the front cover is "Democracy in Education. Education for Democracy;" but the tone of its editorials throughout is one of assured and conde-

scending mental and moral superiority. (Adapted from words of Professor Lovejoy, previously quoted.) Perhaps its appeal for subscriptions will sufficiently illustrate the point. (See inside page of front cover of November, 1917, number.)

“WILL THE TEACHERS EVER GROW UP?”

“In the name of uncommon sense, do realize that the destiny of Teachers-in-Ordinary has been newly oriented.

“Not so many moons ago, we were timid underlings, office boys and serving girls in the personal employ of self-perpetuating bureaucrats.

“To-day, we are grown-up men and women, nobly self-conscious, aggressive, disillusioned, wise.

“To-day, we know ourselves as our official superiors do not know themselves!

“We are group-conscious, united, politically canny, evolving into a powerful force for good.

“Let not foolish modesty tie our enlightened tongues.

“We are on the threshold of great realizations.

“Let us but take our destiny seriously (and ourselves philosophically!) and we shall soon astound the Manipulators who sit and dawdle in the seats of the Mighty.

“The Teachers’ Union is Ours to do with as suits our developing purposes.

“The ‘American Teacher’ (the most critical Magazine in the School World) is Ours to do with as our illuminating intelligences direct.

“The Board of Education is ours (or will soon be) to do with as befits our deeper insight.

“The very ideals of our nascent social democracy are ours to do with as our dynamic philosophy of social amelioration guides and inspires us to do.

“We are on the eve of tremendous happenings.

“To achieve greatly we must be greatly informed.

“One Indispensable Organ of Enlightened Opinion among Teacher-Educators is our own—your own—The American Teacher.

“Subscribe—Subscribe Now!”

If the reader thinks that the above, since it is an advertising appeal, is not to be taken too seriously, let him read the following quotations concerning the seriousness of which there can be no question. These quotations are taken from the article, already cited, which appeared in the New Republic, May 26, 1917; an article signed by thirteen "conscientious objectors" among whom are, Henry R. Linville, Franklin J. Keller and Samuel D. Schmalhausen from the editorial staff of the American Teacher; and Gabriel R. Mason, the president of The American Teacher Company.

"In the evolution of the human mind we discover a gradually widening hiatus between physical competence and intellectual moral competence. So deeply imbedded in our life values is this distinction that we feel rather ashamed of being too expert physically. The man of blood and iron does not appeal to our finer perceptions as a being altogether worthy of our worshipful attention."

"Then consider this: Sooner or later war will cease. The tremendous enterprise of recreating out of bloody chaos some new, reinspired internationalism will be the order of the day. Who is better fitted for that reconstrutive task than those humanists now in imminent danger of being bullied out of existence because their visions and their faiths extend beyond the time of bloody chaos?" . . .

"Hasn't our evolving democracy any use for the student, the reflective man, the lonely thinker, the gentle philosopher, the socialist, the disciple of Jesus, the vision-haunted educator, the pity-racked lover of the human kind?" . . .

"We desire to contribute our intellectual and moral energies to the creation of that humaner world in which conscience and tolerance and personality and philosophy will count as mightily as do their fierce negations now."

Because of this attitude of mental and moral superiority, Mr. Linville and his followers feel under no obligation to respect the opinions of their superior officers; and they view any official act as "autocratic," and out of harmony with the spirit of "democracy," unless it meets with their "complete intellectual approval." In several instances this lack of respect has found expression in anonymous articles, published in their magazine, in which scurrilous attacks have been made upon school officials; not by name, but through

some clue, such as age of school building, number of pupils, or some similar clue, so that the school official and his friends can readily see who is meant.

These attacks have even descended to vulgar personalities in which physical appearance and dress are held up to ridicule. For example, bald head; big, round head; gigantic mustache; thick, umbrageous mustache; flamboyant necktie; unspeakable smirk; dignified pugilist; janitor, and bartender. These are some of the terms employed in *The American Teacher* to further its alleged policy of "Democracy in Education; Education for Democracy." Presumably, therefore, such attacks and the use of such personalities meet with the "complete intellectual (and moral) approval" of Mr. Linville and the others of our school system who are in sympathy with him and his methods.

SOCIALISM

The statement has already been made that the leaders of the group of which *The American Teacher* is the official organ, are active supporters of the Hillquit-Berger branch of the Socialist Party. This reveals some further inconsistencies on the part of Mr. Linville and his followers; among whom are the three dismissed and the six transferred teachers.

The January number of *The American Teacher* gives the number of officers and editors as ten. Nine of these, including Mr. Linville, protested against signing the loyalty pledge of the Board of Education. Yet they, through the November number of their magazine, advocate support of a party which requires its members to sign a pledge agreeing to be guided by the constitution and platform of that party in all their political actions. (See Article II, Section 5, National Constitution of Socialist Party, 1917.) Just what this pledge means in time of war will be stated later on.

Mr. Linville and his followers ask that their views on military service be respected. Yet they, through their magazine, advocate support of a party which expels from that party any member, elected to an office, who shall in any way appropriate moneys for military or naval purposes, or war. (See Art. II, Sec. 6, *Ibid.*)

Mr. Linville and his followers insist upon "democracy" in the schools. Yet they, through their magazine, advocate support of a party no member of which shall, under any circumstances, vote in any political election for any candidate other than Socialist party members nominated, endorsed or recommended as candidates by the Socialist party, or advocate voting for them. To do so will constitute party treason and result in expulsion from the party. (See Art. X, Sec. 3 (b), Ibid.)

Mr. Linville and his followers believe in promotion for fitness. Yet they, through their magazine, advocate support of a party no member of which shall accept or hold any appointive public office, honorary or remunerative (Civil Service positions excepted), without the consent of the state organization; and no member of which shall be a candidate for public office without the consent of the city, county or state organizations, according to the nature of the office. (See Art. II, Sec. 2, Ibid.)

Mr. Linville and his followers object to the manner in which the recent investigation and trial were conducted. Yet they, through their magazine, advocate support of a party which expelled from membership Charles Edward Russell without a hearing, without affording him opportunity either to be present or represented by counsel, and without even communicating to him the fact that charges . . . were pending against him. (See letter of J. G. Phelps Stokes in N. Y. Call, July 10, 1917.)

Mr. Linville and his followers (or at least some of them) have "instinctive respect for conscientious objectors." (See New Republic article cited above.) Yet they, through their magazine, advocate support of a party whose representatives in the Assembly at Albany, February 11th, refused to vote for a resolution of tribute to Abraham Lincoln, carrying an expression of appreciation to the men of America who are on the firing line in France. (N. Y. Times, February 12th.)

In the light of the above evidence, the members of the committee are unanimous in the belief that the unprofessional and unpatriotic attitude of Henry R. Linville and the group of agitators of which he is the acknowledged leader, marks them as unfit to instill into their pupils respect for authority and love of country. The members of the committee are also unanimous in the belief that, if these agitators

continue their pernicious activities for their so-called "democracy," they should feel the weight of "official oppression in the name of discipline" to the fullest extent of the law.

This concludes a review of the facts bearing upon the "cause of the investigation" which led to the dismissal of three and the transfer of six teachers in DeWitt Clinton High School. From these facts the members of the committee are convinced that the cause of the investigation was "the unpatriotic attitude of a certain group of teachers toward the war," and that none of the claims to the contrary, advanced by the members of the Teachers' Union and their supporters, is established by the evidence.

II. THE TRIAL

(1) THE HEARING WAS A FAIR ONE

The statement was made by Samuel D. Schmalhausen in an address at Terrace Garden, November 21st, that he and the other two defendants would be tried before a "packed jury." (N. Y. Call, November 22.) After the trial an editorial stated, "They did not get a fair trial; it was a lynching." (N. Y. Call, December 21st.)

The evidence shows that the specific charges were placed in the hands of the defendants at 9:30 p. m., November 19th. (Test. 4.) The hearing was set for the 22nd, at 3:00 p. m. On that date the High School Committee met with seven members present out of a total of nine. The defendants asked for a postponement. This was granted without any serious opposition; in fact, four out of the seven members spoke in favor of it. (Test. 6-7.) The date which was finally agreed upon for the hearing, December 3rd, was suggested by Mr. Schmalhausen himself (Test. 9); also, the date fixed for filing the answers, November 28th, was acceptable to the defendant's counsel. (Test. 10)

At the hearing on December 3rd, the defendants were represented by counsel, although it is a question whether under the new educational law, they were entitled to this privilege. (Test. 8.) Also, at the suggestion of Chairman Whalen, reporters were permitted to be present. (Test. 17.) No attempt was made to hasten the examination of witnesses, while, on the other hand, opportunity was offered counsel to sum up the evidence if they so desired. (Test. 143, 186, 261.)

These facts alone should brand as unfounded the charge that the committee was "packed" and that the trial was unfair. When, however, one reflects upon the character and high standing of the persons who sat as jurors—John Whalen, Fred W. Atkinson, Olivia Leventritt, Franklin H. Giddings, Egerton L. Winthrop, Jr., John Green, William

Harkness, Arthur S. Somers—one feels that the charge should be branded, not merely as unfounded, but as absurd.

(2) THE CHARGES MADE WERE ESTABLISHED

The general charge in all three cases was, “conduct unbecoming a teacher.” The specific charges in each case together with the testimony bearing on each charge are summarized below:

A THE CASE OF SAMUEL D. SCHMALHAUSEN

a) He considers it not to be his duty to develop in the student under his control instinctive respect for the President of the United States, as such; Governor of the State of New York, as such; and other federal, state and municipal officers, as such.

TESTIMONY

He believes in absolute freedom of expression in classroom. (Test. 38, Paul; 65, Tildsley; 92, Anthony; 123, Schmalhausen.)

He thought it proper (Test. 38, Paul) for Hyman Herman to express the sentiments found in his letter (Test. 40), and thought they were perfectly proper sentiments for boys to express. (Test. 92, Anthony.)

He thought reading of such a letter would not endanger other boys in the class. (Test. 66, Tildsley.)

He would rely upon criticisms of class to correct offensive statements. (Test. 115, Schmalhausen.)

He would criticize only organization or form of English. (Test. 38, Paul.)

In speaking of the attitude of boys toward discussing the President he said that he was loyal to the truth rather than to persons. (Test. 35, Garrigues.)

b) He failed to make such written criticisms of the contents of the letter written by Hyman Herman as would lead the pupil to perceive the gross disloyalty involved in his point of view, as expressed in the said letter.

TESTIMONY

From letter, "In short, you are ready to slaughter us all." Comment, "Is there any sanity in this assertion?" (Test. 44)

From letter, "Surely, then, your purpose is to get supreme domination and to crush Germany for no reason it seems except a mad desire for murder, meanwhile making us the goats." Comment, "For a thoughtful student this statement sounds irrational." (Test. 47)

From letter, "But, my Most Venerable Lord, I fear I am tiring you, and I shudder to think that as a result you may be delayed in your grand wholesale murder." Comment, "For a thoughtful student this statement sounds irrational. Sorry to find this unintelligent comment in your work." (Test. 47)

The reader will please note that these criticisms deal only with the intellectual phase, not with the moral and patriotic phase.

Dr. Tildsley's opinion of the criticisms, "There is not a single sign of moral abhorrence on the part of the teacher who criticized that paper, nor is there any indication to the boy that he had done anything essentially wrong. . . . In my judgment a letter of that kind should not have been criticized at all. . . . The teacher should have simply written on it a general criticism that this letter shows an absolutely wrong attitude on the part of the boy, that it is essentially seditious and immoral, and then he should have called the boy into his presence and explained that to him and convinced him of that fact." (Test. 71)

c) He would consider it proper to allow the said pupil to write and to read aloud to his classmates similar seditious letters addressed to the President of the United States. (Note: Several unpatriotic letters were read in class, but this particular pupil was not called upon to read his letter. (Test. 20-23, Garrigues)

TESTIMONY

He thought that if this boy brought in another letter showing the same sentiment at the end of the week, it would be proper for him to have it read; also, if same type of letter were brought in a third time in succession. (Test. 39, Paul; 65, Tildsley; 92, Anthony)

In explanation of his attitude he took the ground that free expression should be permitted as "the school was not a doll's house." (Test. 39, Paul; 65, Tildsley)

d) As evidenced by newspaper articles printed over his signature, he has a concept of his function as teacher that renders him unfit to be an instructor of high school students.

EXHIBITS

Exhibit 9. Article in American Teacher, December, 1915

THE LOGIC OF FREE SPEECH (Extracts)

"Silence is golden" was spoken by a tactful, timid fool. The business of courageous radicals is to enthrone unfettered freedom of utterance as the one imperishable safeguard of every one's unique contribution to 'mortality's melting pot.'"

"The logic of freest speech is the perception that expression with all its abuses is more productive of general human welfare than repression with all its so-called virtues."

"Is it not wiser and infinitely fairer to permit and encourage the Freest Speech as the genuine honesty of mind?"

"Speech unfettered, unchained, socially censured but never throttled or vindictively punished is the genuine freedom."

How Mr. Schmalhausen applies the above philosophy is seen in his conduct regarding assignments in English and his failure to correct in a proper manner the unpatriotic letters resulting from the assignments.

Exhibit 7. Article in American Teacher, May, 1914

THE ETHICS OF WRONG DOING (Extracts)

[Note by Committee: This article was written shortly after a number of pupils in DeWitt Clinton High School had been found guilty of stealing lunch checks and selling them at reduced rates to other boys who knew they were stolen property. It was proven that at least one boy secured a position as waiter simply to steal lunch checks and that he sup-

plied four or five others with the stolen property at the reduced rates. As this lunch room is under the management of the General Organization of the school, these boys were indirectly stealing from their fellow pupils.]

"Pray, let me know why are we so flustered over the fact that a few of our boys are caught stealing lunch checks and that many others are caught lying now and then. Does any one seriously believe that these offenses are important in a school when 90 % of the students never steal with wicked purpose nor lie because they have premeditated wrong doing? When the motive is not serious, then the act is not serious. To forgive and forget is the only common sense feeling. Mere detection is sufficient pain and punishment for most human beings."

"We must be kind and lenient, not in order to save the wrong-doer from the consequences of his offense, but primarily to save ourselves from those twin corruptions that lie eternally awake in the human breast, self-righteousness and persecution."

"To me all systems of morality are deeply immoral because they intensify the egotism and vanity of the self-appointed few who feel it their duty to stand aloof as judge of their bungling fellow-men. A deep allegiance to any kind of austere morality corrupts the mind making one either a charlatan or a persecutor."

Mr. Schmalhausen would not punish the 90% because their motive is not serious; and he would not punish the remaining 10% for fear he would become corrupted by self-righteousness and persecution.

Exhibit 8. Article in New York Call, Oct. 28, 1917

THE TRAGEDY OF MAL-EDUCATION (Extracts)

"Though the majority of my pupils will be pressed at an early age into competitive profit-grinding industries, I haven't the courage or the intelligence to tell them the ignoble truth about competition's swinish regime. My sole mission seems to be to keep the young in a demoralizing ignorance of life so that they may fall easy prey to industrial

bandits who anxiously look to the feeble public schools to sacrifice to the money theistic God little needy children, our spineless men and women in future bondage gripped tight.

“When I think these things, I grow so despondent **I am in a mood for revolutions.** I realize my insignificance. I realize the tragedy of my tactful cowardice, the guilt of my cowardly evasions. I realize that to be a teacher, is to be a craven, a blind fool, an apologist, anything, great God, but a truth-teller. . . .”

“Our school education is a colossal pretence.”

“Is there anything more distressingly patent than the stupidity of the human race, embalmed in books, resurrected in experience, glorified in institutions like the church, the family and the school? Every youth must have ‘his fling’ to relearn the tragedy of sensuality. Every adult must indulge his inordinate conceit to relearn the futility of unbridled egotism.”

“School education is a sham.”

The Committee believes that the above exhibit, in itself, establishes the charge that the defendant “has a concept of his function as teacher that renders him unfit to be an instructor of high school students.”

B THE CASE OF THOMAS MUFSON

a) He fails to live up to his duty as teacher, inasmuch as he conceives it proper to maintain before his (English) classes an attitude of strict neutrality in class discussions dealing with

- 1) The relative merits of anarchism as compared with the present government of the United States.
- 2) The duty of every one to support the Government of the United States in all measures taken by the Federal Government to insure the proper conduct of the present war.

TESTIMONY

He would maintain a neutral attitude in case of a class discussion on either of the above topics. (Test. 157, 158, Tildsley; 169, 170, Paul)

He stated that he believed in free discussion, that any mistakes the students might make would be corrected by the other boys in the class. (Test. 169, Paul)

He offered a letter (Test. 178) written by himself, which appeared in the N. Y. Globe, April 5, 1917, as evidence of his antipathy toward the German government.

(The Committee was unable to find in this letter, however, any evidence of his love for the American government.)

The following extract from the cross-examination of Mr. Mufson by Mr. McIntyre is also of interest on the question of his attitude toward the American government and the present war: (Test. 183, 184)

Q. Do you believe that you do labor under an obligation to inculcate respect for the President of the United States in the minds of your pupils? A. **I decline to answer the question.**

Q. Are you in sympathy with the United States in this war against the German government? A. **I decline to answer the question.**

Mr. Smyth (his counsel): On what ground? You are getting yourself in a position you do not appreciate.

Mr. McIntyre: One moment—

Mr. Smyth: Wait a moment. I think the witness is so entirely strange to the witness chair that he does not appreciate where he is placing himself.

The Witness: I appreciate fully just what I am saying. I am not irresponsible. I know what I am saying.

Mr. Smyth: The question is, do you feel it your duty to inculcate respect for the President of the United States?

The Witness: I decline to answer that question.

Mr. Smyth: Because it is not in the charges?

The Witness: Because it is not in the charges.

Mr. Smyth: All right, let us see; let us waive that for a moment, because after all they are entitled to know that.

The Witness: I do not think so.

Mr. Smyth: Yes, oh, yes, I think you had better answer that. It is a very simple question.

The Witness: I decline to answer.

Mr. McIntyre: Do you believe it is your duty to urge the

pupils in your class to give active support to the United States in this war against the German government?

The Witness: Will you show that I have not done so in the class room?

Q. Will you answer my question or not? A.—No, I will not.

The Committee believes that a person who is unwilling to give an affirmative answer to the above questions is unfit to teach in our American schools.

C THE CASE OF A. HENRY SCHNEER

a) He stated that patriotism should not be discussed in the DeWitt Clinton High School.

TESTIMONY

Does not believe in teaching patriotism in the schools. (Test. 200, Tildsley; 215, Paul.)

b) He stated that persons wearing the uniform of a soldier of the United States should not be permitted to address the student body in the assemblies of the DeWitt Clinton High School.

TESTIMONY

He would not allow a person in a khaki uniform to appear on the platform of the DeWitt Clinton High School and speak to the students. (Test. 200, Tildsley; 215, Paul; 221, Anthony.)

Later on, he said that if a person wearing the khaki uniform was allowed to speak, he would insist that a person who would present the opposite side be allowed to speak at the same time. (Test. 201, Tildsley; 215, Paul; 221, Anthony.)

c) He stated that the Board of Education has no right to institute military training in the schools.

TESTIMONY

He does not believe that the Board of Education has any right to have military training in the schools. (Test. 201, Tildsley; 215, Paul.)

d) He wrote, in or about the year 1917, a bibliography of contemporary literature, copies of which he caused to be placed on sale in the store of the De Witt Clinton High School, which contained references to works which should not have been called to the attention of the students of that school.

Note: The list of books contains sub-titles, originated by the defendant, characterizing the underlying theme of the books referred to. (Sum. 20.)

TESTIMONY

As the booklet was received in evidence as Exhibit 5, a partial list is herewith submitted that the reader may judge whether or not they are suitable books for boys to read; also whether or not boys would have access to them in the reading room of the Public Library. A list of some sub-titles is also submitted.

LIST OF BOOKS

Sons and Lovers	Kreutzer Sonata
D. H. Lawrence	Leo Tolstoi
The Genius	The Coming of Love
Theodore Dreiser	Carpenter
The Song of Songs	Anarchism
Hermann Suderman	Eltzbacher
Sanine	Psychology of Sex, Vol. 1
Michael Artzibasheff	H. Ellis
The Masses (a magazine now suppressed by the government) was also recommended.	

SUB-TITLES

The Tremulous Poesy of Passion	The Clouded Crystals of Love
Violets of Tenderness	The Cold Grays of Lovelight
Fragrant Kisses of Youth	Warm with Struggling Man- hood
Shadowed Strains of Love	The Hidden Springs of Sex and Desire

Arias of a Vibrant Soul
The Wilder Fires of Sex

Clicking Castanets of Passion
Heart-throbs of the Mid-
night Hour

TESTIMONY OF DEFENDANT

The G. O. store (school store) is under faculty supervision, and they passed on it and inserted the advertisement in the Magpie (school paper) and admitted it in the G. O. store. (Test. 203, Schneer.)

Booklet put on sale at suggestion of one of the English teachers. He said it might be good for the boys, and I tried to put ten or so on sale. (Test. 228.)

The librarian, when presented with a copy, asked me to place it on sale. (Test. 230.)

Dr. Paul saw the booklet three months before it was put on sale. (Test. 228.)

On sale to anybody of the teachers and pupils who wished to buy it. (Test. 203.)

All are standard works, and are to be had at the usual branches of the Public Library. (Test. 230.)

All are accessible to boys at the Reading Room of the 42nd Street Public Library, including Havelock Ellis's Psychology of Sex, Vol. 1. (Test. 251, 252.)

Dr. Tildsley and Dr. Paul objected to the booklet on the basis of the same subtitle; namely, that regarding Theodore Dreiser's "The Genius." (Test. 228.)

ANSWER

Although Dr. Paul received a complimentary copy several months before the question of its removal came up (Test. 220, Paul), yet his attention was first called to the book as on sale by Miss Garrigues (head of the English department.) (Test. 219, Paul.)

At her request the book was removed from store on the ground that it was an improper book. (Test. 219, Paul.)

On June 22, 1917, Dr. Paul received a letter from defendant asking him to investigate the hasty removal of his booklet. (Test. 219.)

If the book was placed on sale with official sanction, how is it that the principal did not know it was on sale and that the head of the English department requested its removal on the ground that it was an improper book?

The Committee believes that all four charges were established.

This concludes the statement of the charges made, and the summary of the testimony bearing upon each specific charge. In each of the three cases the testimony of the school officials (together with the exhibits), in the opinion of the committee, establishes the charges made. Their statements are simple, straightforward and positive. The testimony of one official is corroborated by that of the others. On the other hand, the testimony of the defendants consists of quibbling, hair-splitting distinctions and evasive answers. Taken as a whole, it lacks the ring of sincerity. The testimony of Mr. Mufson consisted, in great part, of refusals to answer the questions put to him.

The seven members of the High School Committee who were present at the trial, held a second meeting, December 10th, at which the testimony was again carefully considered. These members were unanimous in their decision to sustain the charges and to recommend dismissal.

On December 12th, when the question of the adoption of the report in the cases came up before the Board of Education, the point was made that the members had been unable to familiarize themselves with the evidence, as there were only three copies of the testimony for the use of forty-three members. Accordingly, the consideration of the report was postponed until a special meeting to be held December 19th. Within a day or two a printed copy of the testimony was placed in the hands of each member by the Defense Committee of the Teachers' Union. Presumably, therefore, the members were familiar with all the facts when they voted upon the question of dismissal. If they were not, it was certainly not because "they had no opportunity to read the testimony before reaching a decision in the case," as is claimed by the defense. The result of the vote has already been stated, a result which the committee feels was reached by a fair trial and based upon charges made and established.

III SOME FACTS NOT IN THE RECORD OF THE TRIAL; REFUTATION OF MANY OF THE CLAIMS OF THE DEFENDANTS AND MUCH OF THEIR TESTIMONY GIVEN UNDER OATH

1 REGARDING THE "WHALEN RESOLUTIONS"

The defense has repeatedly claimed that 105 members of the faculty were present at the meeting when the resolutions were adopted, and that only two or three voted against them and that all the others voted for them.

Linville: 102 out of 105 **signed** the protest. (N. Y. Globe, November 21st.)

American Teacher: **Signed** by 102 of those present. (December number, page 160.)

Schmalhausen (under oath): Approved by 103 out of 105 who were present. (Test. 107.) Schneer (under oath): Voted for by 102 out of 105. (Test. 226.)

Schneer was asked (Test. 261) to send in the names of the 105. In reply he sent in a list of names, 105 in number, headed by this statement: "Teachers of the DeWitt Clinton High School who were present at the meeting called by the Teachers' Council on Wednesday, October 24, 1917." Then followed the list of 105 names with two (not three) names underlined. At the end he says, "All voted for the Whalen Resolutions except those underlined above. This list comprises all those present as far as our knowledge goes."

(Signed) A. Henry Schneer,
Secretary Teachers' Council,
DeWitt Clinton High School.

N. Y., December 10, 1917.

Dr. Tildsley (under oath): I found that no report had been kept of the attendance during the meeting. (Test. 77.)

The committee canvassed 30 of those whom Mr. Schneer claimed voted for the resolutions and learned the following facts:

Five voted for the resolutions as claimed by Mr. Schneer.

Mrs. Brady was absent from school that day.

Mr. Salzano arrived after the vote was taken.

Messrs. Benjamin, Donnelly, McTiernan and Michaels were present only a few minutes; left before vote was taken.

Miss Watson and Messrs. Horton, Hourihan, Kroll, Luria, and Tietz were present but did not vote.

Miss Van Vliet and Messrs. Clark, Delaney, Grow, Guernsey, Kelley, Long, Moyer, O'Connor, Thomas, Volckhausen, and Yokel did not attend the meeting.

Mr. Schwarzenbach voted against the resolutions.

While there is no question that the resolutions were adopted, the above certainly raises serious doubt as to the accuracy of the testimony given by Mr. Schmalhausen and Mr. Schnee both concerning the number present and the number voting for the resolutions. Mr. Linville is still further in error, as a yea and nay vote was taken; consequently, **no one signed a protest.**

2 REGARDING THE CLAIM OF THE DEFENDANTS THAT THEIR ATTITUDE IS PATRIOTIC

All three are "conscientious objectors" and believe that "military participation in war is tantamount to committing murder." (See article in New Republic before cited.)

According to the N. Y. "Call" of November 28, 1917, all three are Socialists. If so, they believe in "resistance to military training and to conscription of life and labor"; also, "repudiation of war debts." (See Socialist Party platform adopted by national referendum, July 24, 1917. For platform, see American Labor Year Book, 1917-1918, page 377, under "Immediate Demands," sections 6 and 7.)

On April 18, 1917, Mr. Mufson wrote to his principal as follows: "I shall not be able to take part in the (Wake Up America) parade tomorrow, because I sincerely want peace and not war."

As before stated, Mr. Schmalhausen's class was visited by Miss Garrigues on the day (October 22nd) that several unpatriotic compositions were read. (Test. 20-23) In her written report to the principal on this visit she says, "After each paper, chance for criticism was given the class. There was little or no comment from the teacher except when serious mistakes in English were made. The chairman asked Mr. Schmalhausen to meet her. She asked him if he thought so worded an assignment was wise and he said "Yes." She told him that she and the boys felt that the reading and the

atmosphere of the class indicated that the unfavorable criticism of the administration would be welcomed. He denied this and said, but for the action of the chairman (in taking up the papers) the discussion would have adjusted itself in the classroom. The chairman suggested that the teacher was not loyal to institutions and he replied that he was loyal only to truth."

Mr. Schmalhausen does not believe it to be his duty to develop in his pupils **instinctive** respect for the President of the United States and other federal, state and municipal officers, as such. He would develop **reflective** respect. He distinguishes between the two as follows: "I assume instinctive respect to mean doglike fealty, a blind, mechanical attitude which people are capable of, young people are capable of. By reflective, I simply had in mind the constant corollary between the dignity of the high office and the dignity of the man who occupies the office." (Test. 121)

As "conscientious objectors," he and the other two defendants say (See New Republic, May 26, 1917), "It is good for us to remind ourselves of our **instinctive** respect for **conscientious objectors**." (The italics are ours.) They have instinctive respect for **themselves and their kind**, but not for the **President of the United States**.

3 REGARDING MR. SCHNEER'S BIBLIOGRAPHY

Schneer claims that his booklet was approved by the principal. (See petition for reinstatement, N. Y. Globe, February 2, 1918.) Dr. Paul says that it was presented to him simply as a complimentary copy and that nothing was said about placing it on sale; he never expressed approval of the booklet.

Schneer claims that the booklet was approved by the faculty. (See *ibid*; also Test. 203, Schneer.) The faculty never passed upon the booklet; it has no authority in the matter.

Schneer stated under oath (Test. 230) that the librarian of the school, when presented with a copy, asked him to place it on sale. Miss Arden, the librarian, says that the booklet was presented to her simply as a complimentary copy and that nothing was said about placing it on sale in the school store.

Mr. Horton, the faculty member who is in charge of the student salesmen in the store, says that he did not know that

the booklet was in the store until the time when objection was made to it and its removal was ordered.

Schneer stated under oath that only ten copies were sold; nine to teachers and one to a boy. (Test. 228) Paul McNulty, a student salesman in the store, says that thirteen copies were sold; that he sold at least five, all to boys. John Austin, another student salesman in the store, says that he also sold at least five, all to boys.

The defense claims that the same books or a number of the same books found in his list are also found in a list given in the DeWitt Clinton Red Book, a list approved by those in authority. The defense also claims that the difference between the two lists consists solely in the fact that Mr. Schneer's list contains sub-titles. (Sum. 20)

These statements are not true. Mr. Schneer's list contains over 200 titles; the list in the Red Book contains 100 titles. Only ten titles are found in both lists and none of the books objected to in Mr. Schneer's list is found among these ten. The ten are as follows:

The Call of the Wild	London
Up From Slavery	Washington
Silas Lapham	Howells
The Crock of Gold	Stephens
Half Hours	Barrie
Justice	Galesworthy
Cyrano de Bergerac	Rostand
The Weavers	Hauptmann
Play Boy of the Western World	Synge
The Hour Glass	Yeats

Schneer stated under oath that all the books in his list are to be had at the usual branches of the Public Library (Test. 231) Miss E. F. Cragin, Chief of Catalogue Office, Circulation Department, says that the following books in his list are in no branch of the Circulation Department:

The Genius	Dreiser
The Song of Songs	Sudermann
Sanine	Artzibasheff
Kreutzer Sonata	Tolstoi
The Coming of Love	Carpenter
Anarchism	Eltzbacher
Psychology of Sex, Vol. 1	Ellis

Schneer stated under oath that all the books in his list can be found in the Reading Room of the 42nd Street Public Library and that they are **accessible to boys**. (Test. 251-252.) At the request of the committee, Mr. H. M. Lydenberg, Chief of the Reference Library, went over the list. He then summoned Mr. F. A. Waite, Chief of the Information Division, who went over the list, title by title. Both these gentlemen said that the following books are **not** accessible to boys:

The Genius	Dreiser
Madame Bovary	Flaubert
The Song of Songs	Sudermann
Sanine	Artzibasheff
Kreutzer Sonata	Tolstoi
The Coming of Love	Carpenter
Psychology of Sex, Vol. I	Ellis

The book Sanine is thus reviewed in the Book Review Digest, March, 1915: "Sanine is a superman who looks forward to a Golden Age when nothing shall stand between man and his happiness. Every character in the book is obsessed with the idea of sex, and while those who are cowardly in the matter of giving themselves to all attainable enjoyments are made to suffer, Sanine moves triumphantly onward to meet the sun."

There are only four copies of this book in the Public Library, and none of these is printed in English.

A rule of the Library forbids even adults to read certain books out in the Reading Room. These books must be read behind the counter under the eye of the attendant. Two of the books in this class are, The Genius and The Song of Songs.

Schneer stated under oath, in answer to a specific question by Mr. Greene, that Psychology of Sex, Vol. I, is accessible to boys at the Reading Room of the Public Library. (Test. 252.) Mr. Waite, Chief of the Information Division, said that this book was not given out even to adults unless the person was known to be a physician, lawyer or clergyman; or, unless the person could satisfy them that he wanted it for some legitimate purpose, such as advanced scientific study.

The book is thus listed in the Publishers' Trade List Annual. "Sold by subscription and only to physicians, lawyers, clergymen, advanced teachers and advanced scien-

tists." A prominent book-seller said that the book cannot be purchased at any reputable book-store except by a person belonging to one of the above named classes. An officer of the Comstock Society gave his opinion to the effect that any book-seller who sold this book indiscriminately would render himself liable to arrest under section 1141 of the Penal Code.

In view of these facts, it would seem that Mr. Schneer's defenders either are ignorant of the character of these books or else they are lost to all sense of shame. In the opinion of the committee this charge alone, proven as it has been, brands Mr. Schneer as unfit for any school position whatsoever.

4 REGARDING CLAIM OF DEFENSE THAT MOST OF THE TESTIMONY DOES NOT BEAR UPON THE CHARGES

The defense claims that there was not one act done by any of the teachers in the classroom or in his capacity as a teacher which was in any way either the subject of the charges or of criticism. (Sum. 21.)

The testimony at the trial speaks for itself. (See II, 2 of this Report.) Moreover, the committee does not believe that a teacher's influence over his pupils is limited to his "acts done in the classroom or in his capacity as a teacher; nor does it believe that his responsibility for his influence should be determined by these limitations." Bertrand Russell, whose opinions are highly valued by the group to which the defendants belong, says, "The genuine beliefs, though not usually the professed precepts, of parents and teachers, are almost unconsciously acquired by children."

The general attitude of the teacher, a significant look, a toss of the head, a shrug of the shoulders, an impatient gesture, an unfinished remark,—all these are means by which a teacher may insidiously influence the minds of his pupils without openly expressing an opinion or committing an overt act. In support of this contention is a remark made to Dr. Tildsley by a pupil of DeWitt Clinton High School: "The boys all knew pretty well who were going to be transferred and who were going to be dismissed before they (the orders) went into effect." When asked how they knew it, he replied, "I suppose because of the attitude of the teachers in

the classroom the boys would know it. One boy would repeat to another boy and in that way it got around the school."

Also, acts committed by a teacher, although not in his capacity as a teacher, have their influence upon his pupils. The article in the New Republic, signed by several teachers in DeWitt Clinton High School, was easily accessible to the pupils of that school and was doubtless read by very many of them. Much more is this true of the article entitled, "The Tragedy of Mal-Education," written by Mr. Schmalhausen and printed in the N. Y. Call, October 28, 1917; for this newspaper is widely read among the pupils of the school as a large number of them are socialists. (Note: In a straw vote for mayor, Hillquit polled more votes among the pupils than all the other candidates taken together.) The teacher, therefore, through such means may influence his pupils for weal or woe, just as surely as by acts done as a teacher. Moreover, he exerts his influence much more widely, for, in this way, he reaches a far greater number of pupils than he reaches in the classroom.

The claim of the defense that acts done in the classroom or in the capacity of a teacher are the only things that can properly be considered under the charges of "conduct unbecoming a teacher," is a claim so manifestly opposed to the true conception of a teacher's duty that, in the opinion of the committee, those who make it stand self-condemned. The teacher in the public schools is employed by the state to develop American children into intelligent and patriotic American citizens. It becomes his duty, then, so to regulate his conduct **at all times and under all circumstances** as will enable him best to attain that end. If he does not do this, the state is justified in discharging him for "conduct unbecoming a teacher." It is also well to remember that there are sins of omission as well as of commission, and that a teacher who maintains a neutral attitude toward questions of vital importance to the state is conducting himself in such a way that he does not exert an active and positive influence over his pupils toward the end for which he is employed. A refusal to take sides is in itself an **act**. Consequently, if a teacher maintains a neutral attitude such as was described above, the state is justified in discharging him for "conduct unbecoming a teacher."

The committee, therefore, is unanimous in the belief that, in so far as the three defendants showed, either by neutral attitude or overt act, an unwillingness to be actively and positively patriotic in their support of the government at all times and under all circumstances, the Board of Education was amply justified in sustaining the charge against them of "conduct unbecoming a teacher," and in dismissing them from the service of the Department of Education of the City of New York.

IV THE RELATION BETWEEN THIS CASE AND THE SOCIALIST PARTY

1 THE CLAIM MADE BY THE NEW YORK CALL

It has already been stated (See Preliminary Statement) that the dismissed teachers and the group to which they belong are active supporters of the Hillquit-Berger branch of the Socialist party. The Call points to this fact as a probable cause of the recent investigation.

"It is the belief of a number of teachers that a drive is being made against Socialistic school teachers. In support of this belief is the fact that every one of the suspended and transferred teachers is a Socialist." (N.Y. "Call," November 28, 1917.)

"Discharged as these teachers have been by the boss of DeWitt Clinton High School on framed-up charges for socialistic activities." (N. Y. "Call," January 22, 1918.)

As every one knows, socialist teachers have taught undisturbed in our schools for years and many are still doing so. There are many socialists who, in matters pertaining to the present war, are placing loyalty to the government ahead of fealty to their party. As soon as war was declared, they bowed to the inevitable and promptly arrayed themselves with those who are fighting to "make the world safe for democracy." Against socialist teachers of this class no "drive" has been made for the simple reason that their attitude toward the present war is not "unpatriotic." If any "drive" is being made against socialist teachers, it is not being made against them as a class, but simply against those who, because of their active support of the most radical branch of the Socialist party, are maintaining an "unpatriotic

attitude toward the war." In this connection it is of interest to know some of the principles to which a member of the Hillquit-Berger branch of the Socialist party pledges his support. Some pertinent examples are given below.

2 THE ATTITUDE OF THE HILLQUIT-BERGER BRANCH OF THE SOCIALIST PARTY TOWARD THE WAR

From National Constitution of Socialist Party, 1917, Article II, Section 5; "In all my political actions while a member of the Socialist Party I agree to be guided by the constitution and platform of that party." The reader will please keep this pledge in mind while reading the following extracts:

From National Constitution of Socialist Party, 1917, Article II, Section 6:

"Any member of the Socialist Party, elected to an office, who shall in any way vote to appropriate moneys for military or naval purposes, or war, shall be expelled from the party."

From National Platform of 1917: "The following are measures which we believe of immediate practical importance and for which we wage an especially energetic campaign. Political Demands: (For Platform, See American Labor Year Book, 1917-1918, pages 376-378.)

6 Resistance to compulsory military training and to conscription of life and labor.

7 Repudiation of war debts.

From Report of Committee on War and Militarism adopted by referendum vote, July, 1917, and therefore binding upon the members of the party. (Ibid, pages 50-53.)

"The Socialist Party of the United States . . . proclaims its unalterable opposition to the war just declared by the government of the United States. . . ."

"As against the false doctrine of national patriotism we uphold the ideal of international working-class solidarity. In support of capitalism, we will not willingly give a single life or a single dollar; in support of the struggle of the workers for freedom we pledge our all. . . ."

"The war of the United States against Germany cannot be justified even on the plea that it is a war in defense of American rights or American 'honor.' Ruthless as the unrestricted submarine policy of the German government was and is, it is not an invasion of the rights of the American people, as such, but only an interference with the opportunity of certain groups of American capitalists to coin cold profits out of the blood and sufferings of our fellow men in the warring countries of Europe. . . ."

"We brand the declaration of war by our government as a crime against the people of the United States and against the nations of the world."

"In all modern history there has been no war more unjustifiable than the war in which we are about to engage."

"Should such (military or industrial) conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription. We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expense by taxing the necessities of life or issuing bonds which will put the burden upon future generations. We demand that the capitalist class, which is responsible for the war, pay its cost. Let those who kindled the fire, furnish the fuel."

If by "socialist teacher," the "Call" means socialist teachers who subscribe to the principles set forth above, the committee is unanimous in the belief that, because they advocate and support such principles, they should be dismissed from service in the public schools.

3 THE ATTITUDE TOWARD THESE PRINCIPLES OF THE GROUP TO WHICH THE DEFENDANTS BELONG

In view of the above stated principles of the Hillquit-Berger branch of the Socialist party the following editorial declaration of The American Teacher is of the utmost significance: (November, 1917)

[Note: Morris Hillquit was temporary chairman of the National Convention of the Socialist Party, 1917, at which the above platform and report were adopted. He was also a member of the Committee on War and Militarism and, in the convention, read the majority report from which the above extracts are taken. (Am. Labor Year Book, 1917-1918, pages 373, 375).]

"If you want a city run for the human beings, you are asked to vote for Hillquit. . . . In the midst of the hysteria and hatred, in the midst of suspicions and jealousies, in the midst of corruption and bunglings, we find no sign of clear thinking, we find no evidence of constructive programs, except in the socialist movement."

The attitude of the defenders of the dismissed teachers as well as of the dismissed teachers themselves in the present national crisis is perfectly clear. One further quotation from the organ of the Teachers' Union drives the nail to the head. In May, 1917, The American Teacher pays its respects to the teachers' loyalty pledge.

The Board of Education had asked the teachers in the public schools to sign the following pledge:

"We, the undersigned teachers in the public schools of the City of New York, declare our unqualified allegiance to the government of the United States of America and pledge ourselves by word and example to teach and impress upon our pupils the duty of loyal obedience and patriotic service as the highest ideal of American citizenship."

No normal American could hesitate a moment in indorsing such a pledge. The American Teacher, however, comments upon it as follows:

"The pledge **as proposed** has some points of interest, albeit **narrow** and **primitive** in its idealism."

The mental attitude here displayed is plainly lacking in the quality of loyalty. But the whole attitude both mental and moral becomes unmistakable and undeniable by the next statement.

"But it may be well not to be over-anxious about yielding or teaching 'loyal obedience' yet awhile."

Here, then, is a positive and unvarnished statement. This group of teachers hesitates either to **yield** or **teach** "loyal obedience" to the government.

In the opinion of the committee, no teacher who hesitates to teach "loyal obedience" to the government should be permitted to teach in any school. But in the case of a public school teacher who receives pay out of public funds, to hesitate to yield "loyal obedience" and to teach "loyal obedience" presents a situation where the proper solution is dismissal from service.

SUMMARY

Your committee finds unanimously that Messrs. Schmalhausen, Mufson and Schnee were justly dismissed from the service of the Board of Education of the City of New York; that such other teachers in the service as express like views should be dismissed; and that the plea of the dismissed teachers to the State Commissioner of Education for reinstatement should be denied.

Signed: FREDERICK H. PAINE, Chairman,
 Eastern District High School
 EUGENE C. ALDER
 Adelphi Academy
 I. N. BEARD
 Cathedral Choir School
 A. I. DOTEY
 DeWitt Clinton High School
 FRANK S. HACKETT
 Riverdale Country School
 ADAM LEROY JONES
 Columbia University
 WILLIAM T. MORREY
 Bushwick High School

What Is Everybody's Business Is Nobody's Business, and Hence The American Defense Society

Our boys are facing death at the front, and all the energies and resources of the nation must be concentrated upon the task of winning the war. Whatever is done to delay the winning of the war will cost us dear in blood and treasure.

The speedy termination of the war is delayed by the activities of spies, traitors and disloyal pacifists. In our midst are alien enemies plotting to blow up ships and munition plants, burn wharves and supply depots, and ready to undertake any act of frightfulness which will hinder our work of preparation, endanger the lives of our soldiers and sailors and impoverish our nation. Their purpose in such acts is to prolong the war.

These sinister hostilities cannot be met and defeated by the Government alone. It is absolutely necessary that loyal citizens throughout the country shall co-operate with the Government authorities to the fullest extent.

It is everybody's business to report treason and lawlessness, to investigate suspicious circumstances, and to give pitiless publicity to wrongs which can only be righted by concerted public opinion.

It is a voluntary organization of patriotic citizens for the purpose of doing collectively those duties necessary for national defense which individuals are likely to leave undone. The Society is a national center to which information of all kinds is brought. It can make an orderly distribution of tasks, it can speak effectively to the constituted authorities, and it can by means of propaganda, mobilize public sentiment for concerted action.

If you are a loyal American, and doing fearlessly and untiringly all you can possibly do alone for the safety of your country and the winning of the war, you need the American Defense Society as an implement to make your personal efforts more effective. If you are a loyal American and are not doing all the things that you think should be done for the protection of your country and the winning of the war, you first of all owe your financial support to the American Defense Society. You should make your money work for you through this instrumentality, and the measure of your contribution should be the measure of your interest in this work.

There is an application blank on the cover of this pamphlet.

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National Headquarters

44 East 23d Street, New York

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